### IN THE UNITED STATES DISTRICT COURT

### FOR THE EASTERN DISTRICT OF TEXAS

### BEAUMONT DIVISION

CURTIS L. PRUITT §

VS. § CIVIL ACTION NO. 1:13-CV-632

COBB BENNETT, ET AL. §

# ORDER OVERRULING PLAINTIFF'S OBJECTIONS AND ADOPTING THE MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION

Plaintiff Curtis L. Pruitt, a former prisoner, proceeding *pro se* and *in forma pauperis*, filed this civil rights action pursuant to *Bivens v. Six Unknown Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971), against Cobb Bennett, M. Bevil, E. Landry, Lieutenant Garnica, and E. Franks.

The court ordered that this matter be referred to the Honorable Keith F. Giblin, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to applicable laws and orders of this court. The Magistrate Judge recommends dismissing the action pursuant to 28 U.S.C. § 1915(e) as frivolous and for failure to state a claim upon which relief may be granted.

The court has received and considered the Report and Recommendation of United States Magistrate Judge, along with the record and the pleadings. Plaintiff filed objections to the Magistrate Judge's Report and Recommendation.

The court has conducted a *de novo* review of the objections in relation to the pleadings and the applicable law. *See* FED. R. CIV. P. 72(b). After careful consideration, the court concludes the objections are without merit. For the reasons stated by the Magistrate Judge, this civil rights action is frivolous and fails to state a claim upon which relief may be granted.

### **ORDER**

Accordingly, plaintiff's objections (document no. 42) are **OVERRULED**. The findings of fact and conclusions of law of the Magistrate Judge are correct, and the report of the Magistrate Judge (document no. 37) is **ADOPTED**. A final judgment will be entered in this case in accordance with the Magistrate Judge's recommendation.

## So Ordered and Signed

Aug 28, 2018

Ron Clark, Senior District Judge

Pm Clark